

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No.: 2:19-CR-00316-RBS
HERITAGE PHARMACEUTICALS INC.,)	
)	
Defendant.)	

ORDER TOLLING SPEEDY TRIAL ACT

The joint motion of the United States and defendant Heritage Pharmaceuticals Inc. (“Heritage”) for a continuance pursuant to 18 U.S.C. Section 3161(h)(2) is hereby granted. Pursuant to Title 18, United States Code, Section 3161(h)(2), and in light of the Deferred Prosecution Agreement (“DPA”) between defendant Heritage and the United States, as represented by the Antitrust Division of the United States Department of Justice and the United States Attorney’s Office for the Eastern District of Pennsylvania, the prosecution and trial of the Information in this matter is hereby deferred until whichever of the following events occurs first:

1. The United States makes a final determination that Heritage has made a knowing and material breach of the DPA, as defined in the DPA, and the United States elects, consistent with the DPA, to prosecute Heritage on the Information, in which event the United States will request that this case be returned to the Court’s calendar; or

2. In the sole discretion of the United States, the United States concludes that Heritage is in full compliance with all of its obligations under the DPA, and the United States, within 30 days after the expiration of the Deferral Period (*i.e.*, three years from the filing date of the Information), files a motion with the Court seeking dismissal with prejudice of the Information

against Heritage.

The period of time outlined above shall be excluded in computing the time within which an indictment must be filed or the time within which the trial of any such offense must commence, pursuant to 18 U.S.C. § 3161(h)(2).

It is so ordered, this _____ day of _____, 2019 at Philadelphia, Pennsylvania

HON. R. BARCLAY SURRECK
SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

HERITAGE PHARMACEUTICALS INC.,

Defendant.

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Criminal No.: 2:19-CR-00316-RBS

JOINT MOTION FOR DEFERRED PROSECUTION CONTINUANCE

Pursuant to Title 18, United States Code, Section 3161(h)(2), and in light of the Deferred Prosecution Agreement (“DPA”) between defendant Heritage Pharmaceuticals Inc. (“Heritage”) and the United States, as represented by the Antitrust Division of the United States Department of Justice and the United States Attorney’s Office for the Eastern District of Pennsylvania, the parties jointly move that any prosecution and trial of the Information filed in this case against Heritage be deferred until whichever of the following events occurs first:

1. The United States makes a final determination that Heritage has made a knowing and material breach of the DPA, as defined in the DPA, and the United States elects, consistent with the DPA, to prosecute Heritage on the Information, in which event the United States will request that this case be returned to the Court’s calendar; or

2. In the sole discretion of the United States, the United States concludes that Heritage is in full compliance with all of its obligations under the DPA, and the United States, within 30 days after the expiration of the Deferral Period (*i.e.*, three years from the filing date of the Information), files a motion with the Court seeking the dismissal with prejudice of the Information against Heritage.

The parties also request that the period of time outlined above be excluded in computing the time within which an indictment must be filed or the time within which the trial of any such offense must commence, pursuant to 18 U.S.C. § 3161(h)(2), and that any such requirement under the Speedy Trial Act of 1974 be tolled.

Heritage has agreed to waive any rights under 18 U.S.C. § 3161 in the DPA, and Heritage hereby consents through its counsel to this motion. A copy of the DPA executed by the defendant and the United States has already been filed with the Court (Dkt. #4). A proposed order is attached for the Court's consideration.

WHEREFORE, the United States and defendant respectfully request that the joint motion be granted.

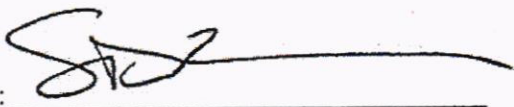
DATED: 6/11/19

Respectfully submitted,

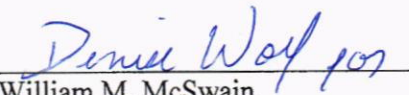
BY:


Kalina M. Tulley
Chief, Chicago Office
U.S. Department of Justice
Antitrust Division
209 S. LaSalle Street, Suite 600
Chicago, IL 60302
(312) 984-7200

BY:


Scott D. Hammond
Counsel for Heritage Pharmaceuticals Inc.

BY:


William M. McSwain
United States Attorney
Eastern District of Pennsylvania